

REMARKS/ARGUMENTS

Claims 26, 27 and 30-37 remain in this application. Claim 38 has been canceled and claim 26 has been amended.

In the outstanding Office action dated May 5, 2003, claim 26 was rejected under § 112 in view of the recitation of "sealing stent" and "attaching devices" as well as for allegedly being in conflict with claim 34. Claim 34 was also rejected under § 112 as being in conflict with claim 26 from which it depends. Additionally, claim 38 was rejected under § 112 as being ambiguous. In response thereto, independent claim 26 has been amended to recite a "support stent" in place of a "sealing stent" and "attaching devices" has been replaced with "leg support devices." Moreover, it is to be noted that claim 38 has been canceled. With respect to the subject of claims 26 and 30 being in conflict, it is respectfully submitted that such a conflict does not in fact exist. For example, as shown in FIG. 6, a second element can both be fixated superior to the renal arteries as well as be secured inferior to the renal arteries. As such, it is believed that claims 26 and 30 satisfy the requirements of § 112.

In the outstanding Office action, claims 26, 27, 31-34, 37 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fogarty et al. (U.S. 5,769,882). Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fogarty et al. in view of Leonhardt et al. (U.S. 5,713,917) and claims 35 and 36 were rejected under § 103(a) as being unpatentable over Fogarty et al. in view of Lazarus (U.S. 5,104,399). In response thereto, independent claim 26 has been amended to recite a method involving a second element having a second element support structure attached thereto prior to placement of the second element in an aorta and configuring the second element support structure to fixate the second element superior to the renal arteries. Since it is believed that Fogarty et al. does not teach such structure nor a method involving such structure, claim 26 and the claims depending therefrom are believed to be

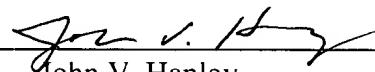
patentable over the cited art. In particular, the Fogarty et al. reference does not include a second element that has support structure attached thereto prior to placement of the second element within vasculature, the support structure accomplishing fixating the second element superior to the renal arteries. Therefore, it is respectfully submitted that each of the pending claims define allowable subject matter.

CONCLUSION

Applicant has attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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